

created the impression that it would promote the proper elimination of waste in the intestinal tract and regulate the flow of bile; that the article designated as Traxo was a tonic and a stimulant to the digestive tract and its nerve system and, when used in conjunction with Fruitola, would increase the efficacy of Fruitola; and that the preparation designated as Abbott Bros. Compound was efficacious in the treatment of muscular pains in limbs, sides, and back, rheumatism, neuritis, arthritis, sciatica, lumbago, and gout. It was alleged to be misbranded further (1) in that the name "Fruitola" and the reference to "fruit oils," appearing in the labeling, were false and misleading since they created the impression that the ingredients of the article were derived from fruits, whereas the ingredients of the article were not derived from fruits as commonly understood but consisted of sodium bicarbonate, Rochelle salt, tartaric acid, olive oil, and anise oil; and (2) in that the required statements of the active ingredients and of the quantity of contents of the article did not appear in its labeling in such terms as to render them likely to be understood by the ordinary individual under customary conditions of purchase and use, since the declaration of the active ingredients and the statement of the quantity of the contents were not set forth in a manner that made it clear that the carton contained two different preparations, one of which the manufacturer designated as "fruit oils" and the other as "compound effervescent powder."

Examination of the Traxo disclosed that it consisted essentially of alcohol, water, and extracts of plant materials including emodin, podophyllin, and strychnine. It was alleged to be misbranded because of false and misleading statements appearing in its labeling which created the impression that the article was a tonic and a stimulant to the digestive tract and its nerve system; that the preparation designated as Fruitola would increase the efficacy of Traxo; and that the preparation designated as Abbott Bros. Compound was efficacious in the treatment of muscular pains in the limbs, sides, and back, rheumatism, neuritis, arthritis, sciatica, lumbago, and gout.

Examination of Abbott Bros. Compound disclosed that it consisted essentially of water, alcohol, sodium salicylate, sodium phosphate, potassium nitrate, extracts of plant materials, and flavoring materials. It was alleged to be misbranded because of false and misleading statements appearing in its labeling which created the impression that it was a treatment for muscular aches and pains in the limbs, sides, and back; that Fruitola would promote the proper elimination of waste in the intestinal tract and regulate the flow of bile; and that Traxo was a tonic and a stimulant to the digestive tract and its nerve system. It was alleged to be misbranded further in that the article, when used as directed, would act as a laxative, and its labeling failed to warn the user that it should not be taken when suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis, and that frequent or continued use of a laxative may result in dependence on a laxative.

On March 16, 1943, the sole intervenor having withdrawn its claim and answer, judgments of condemnation were entered and the products were ordered destroyed.

#### DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

**1159. Adulteration of Hart's Compound Asthma Medicine. U. S. v. 86 Bottles and 138 Bottles of Hart's Compound Asthma Medicine (and 17 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. D. C. Nos. 10252, 10312, 10356, 10678, 10679, 10692, 10720 to 10722, incl., 10799, 10955, 10989, 10990, 10994, 10998, 11121, 12080 12115. Sample Nos. 8311-F, 11260-F, 16099-F, 16100-F, 21906-F, 21907-F, 21910-F, 21948-F, 22086-F, 22087-F, 34240-F, 35534-F, 36457-F, 38751-F, 48206-F to 48208-F, incl., 48232-F, 48233-F, 48240-F, 50336-F to 50338-F, incl., 51393-F to 51395-F, incl., 51602-F, 58937-F, 58938-F, 58944-F, 58945-F.)

Between July 15, 1943, and March 30, 1944, the United States attorneys for the Western District of Pennsylvania, the Northern Districts of California, Indiana, West Virginia, and Ohio, the District of Minnesota, the District of Utah, the District of Massachusetts, the District of Colorado, the Western District of North Carolina, and the District of Maryland filed libels against the following quantities of the above-named product, packed in containers of 2-fluid-ounce, 4-fluid-ounce, and 6-fluid-ounce sizes: 224 bottles at Uniontown, Pa., 117 bottles at San Francisco, Calif., 73 bottles at South Bend, Ind., 21 bottles at Minneapolis, Minn., 123 bottles and 59 packages at Cleveland, Ohio, 70 packages at Wheeling, W. Va., 85 packages and 71 bottles at Pittsburgh, Pa., 71 packages

at Ogden, Utah, 142 packages at Boston, Mass., 46 packages at Denver, Colo., 59 packages at Charlotte, N. C., and 108 bottles at Baltimore, Md.; alleging that the article, which had been consigned by the Hart's Asthma Medicine Company, had been shipped from Buffalo, N. Y., from on or about November 19, 1941, to February 17, 1944; and charging that it was adulterated. On May 18, 1944, the libel against the lot at Baltimore was amended to cover the seizure of an additional amount of the article.

The article was alleged to be adulterated in that it consisted of a filthy substance, a mold-containing liquid.

Between September 14, 1943, and May 19, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1160. Adulteration and misbranding of damaged drugs. U. S. v. 1,300 Cases of Petrolagar, 785 Cartons of Hematinic Plastules, and 490 Cartons of Amphojel Keomagma. Default decree of condemnation and destruction. (F. D. C. No. 10777. Sample No. 52831-F.)**

On September 17, 1943, the United States attorney for the Eastern District of Virginia filed a libel against the above-mentioned products at Portsmouth, Va., alleging that the articles had been shipped on or about September 30, 1942, from Baltimore, Md.; and charging that they were adulterated and misbranded.

The articles became damaged by bilge water en route from Baltimore to Portsmouth, where the vessel put in for repairs. The articles were there unloaded and placed in a warehouse.

The articles were alleged to be adulterated in that they had been held under insanitary conditions whereby they may have become contaminated with filth. They were alleged to be misbranded in that the information required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the labeling in part had been damaged and rendered illegible, or had been entirely detached from the packages upon which it had originally been placed.

On February 1, 1944, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1161. Adulteration of miscellaneous crude drugs. U. S. v. 125 Pounds of Uva Ursi Leaves, 100 Pounds of Marjoram, 100 Pounds of Coriander Seed, 20 Pounds of Poke Root, 75 Pounds of Sarsaparilla Root, and 75 Pounds of Ground Ginger Root. Default decree of condemnation and destruction. (F. D. C. No. 10177. Sample Nos. 20500-F, 20723-F, 20727-F to 20730-F, incl.)**

These products were stored, after shipment, in rooms which were overrun with rats and exceedingly filthy. Examination disclosed that the uva ursi leaves were contaminated with rodent excreta pellets and rodent hairs; that the marjoram was contaminated with rodent excreta pellets; that the coriander seed contained weevils and rodent hairs and that a material proportion was worm-eaten; that the poke root was contaminated with rodent excreta pellets and rodent hairs; that the sarsaparilla root was contaminated with rodent excreta pellets; and that the ground ginger root contained a large number of dead weevils.

On July 2, 1943, the United States attorney for the District of Massachusetts filed a libel against the above-mentioned quantities of crude drugs at Boston, Mass., alleging that the articles had been shipped from New York, N. Y., and Jersey City, N. J., within the period from on or about January 16, 1941, to December 9, 1942, and that they were in the possession of the G. S. Cheney Co., Inc.; and charging that they were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been held under insanitary conditions whereby they may have been contaminated with filth.

The articles, with the exception of the uva ursi leaves and the poke root, were also alleged to be adulterated under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1162. Adulteration of senna. U. S. v. 639 Bags of Senna. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10913. Sample No. 34243-F.)**

On October 11, 1943, the United States attorney for the Northern District of West Virginia filed a libel against 639 bags, each containing approximately 300